

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN CROWELL,

Plaintiff,

§

v.

§

§

§

§

§

ESC-NGH, L.P. d/b/a Emeritus at
Champion Oaks a/k/a Emeritus Senior
Living, and EMERITUS CORPORATION,
Defendants.

CIVIL ACTION NO. H-11-393

ORDER

Pending before the Court is Plaintiff's Motion for Reconsideration (**Instrument No.**

18). Plaintiff has made two claims against Defendants, a retaliation claim under the Texas Assisted Living Facility Licensing Act, and a discrimination claim under 42 U.S.C. § 1981. (Instrument No. 1-1, at 11-12). The retaliation claim was dismissed pursuant to the Court's order dated July 1, 2011. (Instrument No. 17). In the instant motion, Plaintiff seeks to reinstate his retaliation claim based on a decision issued by the Court of Appeals for the Eighth District of Texas, *Emeritus Corp. v. Blanco*, No. 08-09-00007-CV, 2011 WL 2637474 (Tex. App. - El Paso, 2011). After considering the motion and the response, the instant case is **STAYED** until the conclusion of the state court appellate proceedings. Plaintiff's Motion is **DENIED without prejudice** to reurging at the conclusion of the state court appellate proceedings. (**Instrument No. 18**).

The Clerk will enter this Order and provide all parties with a true copy.

SIGNED this 9th day of September, 2011 at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE